



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

April 22, 2010

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From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE

This memorandum contains a status report on two County-sponsored measures related to information sharing for the prevention, identification, management or treatment of child abuse or neglect, and exemptions from State licensing requirements for out-of-state health care practitioners who provide services on a volunteer basis; updates on five County-advocacy bills related to climate change, including: 1) consumer product labeling; 2) the Property Assessed Clean Energy (PACE) Program; 3) recycled water; 4) general plan amendments; and 5) habitat mitigation; one County-advocacy bill related to workers' compensation claims; and information on ten County-interest legislation related to Climate Change.

Status of County-Sponsored Legislation

County-sponsored AB 2322 (Feuer), which as introduced on February 17, 2010, would clarify the purpose and goal for which records are shared for the prevention, identification, management or treatment of child abuse or neglect. Since the bill was introduced, this office and the Sacramento advocates have been working closely with Assembly Member Feuer's staff, County Counsel, the Department of Children and Family Services, the County Welfare Directors Association, and various advocate groups to develop legislative amendments and reach consensus on improving information sharing.

As a result of these meetings, AB 2322 will be amended to expand: 1) the type of data that may be placed on the Family and Children's Index; and 2) information sharing to include for the purpose of investigating or providing child welfare services to a child or child's family at risk for child abuse or neglect. The amended version of the bill will be in

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print soon. AB 2322 is scheduled for a hearing in the Assembly Human Services Committee on April 27, 2010.

County-sponsored AB 2699 (Bass), which as amended April 14, 2010, would exempt health care practitioners from another state who are in California for a short time to provide volunteer health, dental, and vision services to the uninsured or underinsured from California licensure requirements, passed the Assembly Business and Professions Committee on April 20, 2010 by a vote of 9 to 0, with amendments. This measure now proceeds to the Assembly Appropriations Committee. The amendments would reduce the time a volunteer may provide direct patient care from 90 days to up to 10 days per event and would make other technical changes to the measure.

Status of County-Advocacy Legislation

County-supported AB 2256 (Huffman), which would prohibit, on or after January 1, 2012, a person engaged in the packaging or labeling of a consumer product, from distributing in commerce in California, a product that is contained in a package, or that has an affixed label, that states the product is flushable, sewer and septic safe, or other like terms or phrases unless a product can be safely flushed down a low consumption toilet system, passed the Assembly Business, Professions, and Consumer Protection Committee on April 20, 2010 by a vote of 6 to 3, and now proceeds to the Assembly Appropriations Committee.

County-supported SB 77 (Pavley), which would require the establishment of a PACE Reserve Program designed to assist local jurisdictions in financing the installation of distributed generation of renewable energy sources or energy or water efficiency improvements that are permanently affixed on real property through the use of a voluntary contractual assessment, was signed by the Governor on April 21, 2010, and becomes effective immediately because of the urgency clause.

This measure would establish a State financed reserve fund of up to 10 percent for local PACE bonds on owner occupied properties meeting PACE criteria, and authorize the California Energy Commission to use future American Recovery and Reinvestment Act funds and/or similar Federal funding to support the PACE Program and reduce local program costs. SB 77 would enhance and support the County's AB 811 renewable energy financing program.

County-supported if amended SB 1173 (Wolk), which would: 1) declare that the use of all "raw or potable water" for nonpotable municipal or industrial uses is a waste or unreasonable use of water if recycled water is available that meets specific conditions, as determined by the State Water Resources Control Board (WRCB); 2) prohibit a person or public agency from using raw or potable water that is suitable for nonpotable

municipal or industrial uses if suitable recycled water is available that meets WRCB requirements; and 3) declare that the use of raw or potable water for the irrigation of residential landscaping, floor trap priming, cooling towers, and air conditioning devices is a waste and unreasonable use of water if recycled water is available that meets specific requirements, passed the Senate Environmental Quality Committee on April 19, 2010 by a vote of 4 to 2.

SB 1173 now proceeds to the Senate Appropriations Committee, where the Sacramento advocates will continue to request that the bill be amended to specify the local water purveyor as the agency that determines the reasonable distance at which recycled water would be deemed unavailable for use.

County-opposed SB 1174 (Wolk), which would require a city or county to amend its general plan to address the presence of island, fringe, or legacy unincorporated communities, as defined, inside or near its boundaries, and would require the amended general plan to include specified information about disadvantaged unincorporated communities, passed the Senate Local Government Committee on April 19, 2010 by a vote of 3 to 2, and now proceeds to the Senate Appropriations Committee.

This measure would require a city or county, after the initial amendment of its general plan, to review, and if necessary, amend its general plan to update its information, goals, and program of action relating to these communities, and would require local jurisdictions to incorporate the information in SB 1174 in the general plan at the time of their next housing element update or comprehensive general plan update, whichever comes first.

County-supported SB 1446 (Correa), which would make changes to existing law regarding habitat mitigation assurance for local governments by relieving local jurisdictions from the existing requirement to make up front cash deposits to a special trust endowment held by the State for implementation of mitigation measures and compliance, if specified conditions are met, was substantially amended on April 20, 2010.

The amendments delete the existing provisions above, and instead, include intent language regarding the establishment of alternatives for financial assurances for public agencies that would ensure those agencies fully fund their obligations on an ongoing basis for habitat mitigation and the maintenance and monitoring of that mitigation. **Therefore, the Sacramento advocates will remove support for SB 1446, and take no position.** This measure is currently in the Senate Appropriations Committee awaiting a hearing date.

County-opposed AB 2253 (Coto), which as introduced on February 18, 2010, would extend the period that a retired public safety officer could file a workers' compensation claim for cancer and be entitled to a legal presumption that the cancer is job-related to 15 years, was placed on the Assembly Appropriations suspense file on April 21, 2010 due to costs.

Status of County-Interest Legislation

AB 1704 (Jeffries), which would exempt a project for the installation or replacement of a new pipeline for the distribution of recycled water within an improved public street, highway, or right-of-way from CEQA requirements, failed passage in the Assembly Natural Resources Committee on April 19, 2010 by a vote of 3 to 6.

AB 1805 (Calderon and Nestande), which would enact the "CEQA Litigation Protection Pilot Program of 2010" that would require the Business, Transportation and Housing Agency to select 25 projects each year for the next 5 years and grant them immunity from the environmental and public participation requirements of CEQA, was heard in the Assembly Natural Resources Committee on April 19, 2010. Testimony on the bill was taken, but the Committee took no action on the bill at the request of the authors in order to allow them an opportunity to work with opponents on a resolution.

This measure is opposed by over 40 environmental entities, including: California Coastal Coalition; California Coastkeeper Alliance; California League of Conservation Voters; Environmental Defense Fund; Friends of the Los Angeles River; Heal the Bay; Sierra Club California; Natural Resources Defense Council; and Planning and Conservation League. AB 1805 sunsets on January 1, 2016 and contains an urgency clause.

AB 1873 (Huffman), which would authorize the State Air Resources Board to use AB 32 revenues paid from sources of greenhouse gas emissions, to purchase bonds to finance the installation of distributed generation renewable energy sources of energy or water efficiency improvements, upon appropriation by the Legislature for this purpose, passed the Assembly Natural Resources Committee on April 19, 2010, with technical amendments, by a vote of 6 to 3, and now proceeds to the Assembly Appropriations Committee.

AB 2165 (Knight), which would exempt from CEQA requirements the activities or approvals of the initial construction of the High Desert System Multi-Service Ambulatory Care Center project, defined as the outpatient health facility that will be located in the City of Lancaster at a specified location, failed passage in the Assembly Natural Resources Committee on April 19, 2010 by a vote of 3 to 5.

AB 2214 (Fuentes), which would require the Santa Monica Mountains Conservancy (SMMC) to develop a feasibility study, on or before June 30, 2011, for the Pacoima Wash, and require the study to provide, among other things, for the establishment of a greenbelt in the Pacoima Wash, and the acquisition of real property in and abutting the Pacoima Wash and the subsequent lease, rental, sale, or other transfer of that property for park purposes, passed the Assembly Natural Resources Committee on April 19, 2010, with technical amendments, by a vote of 6 to 3, and now proceeds to the Assembly Appropriations Committee.

AB 2329 (Ruskin and Chesbro), as amended on April 8, 2010, would create the Climate Action Team, under the direction of the Secretary for Environmental Protection and consisting of representatives from specified State agencies, that would be responsible for coordinating the State's overall climate policy, identifying and reviewing activities and funding programs, recommending policies, investment strategies and priorities, and providing information to local governments and regional agencies.

AB 2329 is supported by Breathe California, Nature Conservancy and Sierra Club California. There is no registered opposition. This measure passed the Assembly Natural Resources Committee on April 19, 2010, with technical amendments, by a vote of 6 to 3, and now proceeds to the Assembly Appropriations Committee.

AB 2679 (Eng), which would require: 1) all public buildings to conform to a 15-year compliance schedule to achieve reductions in energy and water consumption and to maintain specified water and energy reduction levels on and after January 1, 2025, and 2030, respectively; 2) each public entity operating a public building to provide to the Department of General Services a certified onsite assessment of the facility's energy and water consumption levels; and 3) applicable public entities to adopt and implement processes outlined in the Green Building Action Plan and to ensure that these processes are consistent with other efficiency measures outlined in existing law, passed the Assembly Natural Resources Committee on April 19, 2010, as amended, by a vote of 6 to 3. The amendments taken in Committee make the 15-year compliance schedule applicable to State-owned buildings only.

All State-owned public buildings are required to conform to the following compliance schedule to achieve reductions in energy and water consumption:

- On or before January 1, 2015, reduce energy consumption from the established baseline measurements by 15 percent and water consumption by 10 percent;
- On or before January 1, 2020, reduce energy consumption from the established baseline measurements by 30 percent and water consumption by 20 percent;

- On or before January 1, 2025, reduce energy consumption from the established baseline measurements by 60 percent and water consumption by 30 percent; and
- On or before January 1, 2030, all existing and new public building facilities shall have net zero energy consumption or be grid neutral.

All State-owned public buildings would be required to maintain the 30 percent water reduction level on and after January 1, 2025, and maintain net zero energy consumption level or be grid neutral on and after January 1, 2030. The bill defines "public entity" as a State, county, city, or city and county public entity that operates a public building and "established baseline measurements" as the baseline measurements of electricity and water consumption levels from January 1, 2006 to December 31, 2008, inclusive, established by public agencies operating public buildings. This measure, which is supported by Environment California, now proceeds to the Assembly Appropriations Committee. There is no registered opposition.

SB 976 (Hollingsworth), as amended on March 22, 2010, which would exempt the expansion of an existing overpass, on ramp, or off ramp from CEQA if it is built within an easement or right-of-way controlled by a State or local transportation agency, a city, or a county, failed passage in the Senate Environmental Quality Committee on April 19, 2010 by a vote of 2 to 4. The author did not request reconsideration.

SB 976 is supported by Engineering & Utility Contractors Association, and opposed by: California Council of Land Trusts; Center for Biological Diversity; Consumer Attorneys of California; Forests Forever; Planning and Conservation League; and Sierra Club California.

SB 1006 (Pavley), which would require the Strategic Growth Council (created by SB 732 (Steinberg) of 2008) to provide guidelines and information to local agencies to assist agencies in developing and implementing climate change adaptation strategies and projects that use nonstructural approaches to protect communities and protect or enhance natural ecosystem functions, and expand the eligible applicants for the urban greening project and planning grants to also include a council of governments, countywide authority, metropolitan planning organization, special district, and joint powers authority, passed the Senate Environmental Quality Committee on April 19, 2010, with technical amendments, by a vote of 4 to 2, and now proceeds to the Senate Appropriations Committee.

SB 1207 (Kehoe), as amended on March 24, 2010, would require: 1) the general plan safety element for State responsibility areas (SRAs) and very high fire hazard severity zones to be reviewed and updated prior to January 1, 2015; 2) each revision of the

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general plan housing element after, January 1, 2015, to address risk of fire for lands in SRAs and very high fire hazard severity zones; 3) the review of the general plan elements to consider the advice of the "Fire Hazard Planning" document prepared by the Office of Planning and Research (OPR); and 4) OPR to update the Fire Hazard Planning document before January 1, 2012.

SB 1207 would also require: 1) the general plan safety element to include specific information regarding fire hazard information, including objectives for protecting the community from unreasonable fire risk and implementation measures; 2) require OPR, in cooperation with the Department of Forestry and Fire Protection, to prepare, develop, and transmit to the Secretary of Natural Resources Agency recommended proposed changes or amendments to the initial study for the inclusion of questions related to fire hazard impacts for projects in SRAs and high fire hazard severity zones; and 3) require the Secretary of the Natural Resources Agency to certify and adopt these recommended proposed changes or amendments.

This measure is supported by: American Planning Association-California Chapter; California Fire Chiefs Association; California Native Plant Society; California Professional Firefighters; California State Firefighters' Association; Fire Districts Association of California; League of California Cities; Mountain Recreation and Conservation Authority; and Orange County Professional Firefighters Association. It is opposed by California State Association of Counties and Regional Council of Rural Counties.

SB 1207 passed the Senate Environmental Quality Committee on April 19, 2010 by a vote of 5 to 1, and now proceeds to the Senate Appropriations Committee.

We will continue to keep you advised.

WTF:RA
MR:EW:VE:sb

c: All Department Heads
Legislative Strategist
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Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
Buddy Program Participants